

**Minnesota Sentencing Guidelines Commission**  
**Approved Meeting Minutes**  
**August 24, 2016**

A meeting of the Minnesota Sentencing Guidelines Commission (MSGC) was held on August 24, 2016, in Room 225 of the Minnesota Judicial Center, 25 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, MN 55155. Present were Commission Chair Justice Christopher Dietzen, Commission Vice-Chair Judge Heidi Schellhas, and Commission members Angela Champagne-From, Judge Caroline Lennon, Cathryn Middlebrook, Commissioner of Corrections Tom Roy, Yamy Vang, and Senior Judge Mark Wernick.

Also present were MSGC Executive Director Nate Reitz and MSGC staff members Jill Payne and Anne Wall. Assistant Attorney General Jim Early was also present.

Members of the public present were Anita Alexander, ISAIAH MN; Laurie Fallows; Lisa Netzer, Minn. Department of Corrections; Mariana Schunk; Robert Small, Executive Director of the Minn. County Attorneys Association.

**1. Call to Order**

Chair Dietzen called the meeting to order at 2:00 p.m.

**2. Approval of Agenda**

This was on the agenda as an action item.

**Motion** by Commissioner of Corrections Roy and second by Ms. Middlebrook to approve the meeting agenda.

**Motion carried** unanimously.

**3. Approval of Draft Meeting Minutes from July 27, 2016**

This was on the agenda as an action item.

**Motion** by Ms. Vang and second by Judge Wernick to approve the meeting minutes from July 27, 2016.

**Motion carried** unanimously.

#### **4. Membership Update**

Chair Dietzen informed members that Isanti County Attorney Jeffrey Edblad stepped down from his position on the Commission, effective immediately. Chair Dietzen said that Mr. Edblad is President-Elect of the Minnesota County Attorneys Association. The County Attorneys Association has made a recommendation to the Governor regarding a County Attorney replacement.

Chair Dietzen called upon Executive Director Reitz to give an update on the vacant probation officer position on the Commission. Executive Director Reitz said that the Governor's office is interested in filling the position and has not yet found an applicant who has met the desired criteria.

#### **5. Follow-Up to Misdemeanor Point Question**

This was on the agenda as a discussion item. At last month's meeting, a member asked what the Commission's rationale was for the exception in section 2.B.6.c, where if the current offense is a felony DWI, and the offender has a prior felony DWI offense, the prior felony DWI must be used, but the prior misdemeanor and gross misdemeanor offenses used to enhance the first prior felony DWI cannot be used in the offender's criminal history.

Senior Research Analysis Specialist Anne Wall explained that, at the time the felony DWI statute went into effect, the Commission's rationale for excluding the prior misdemeanors and gross misdemeanors is not documented; however, it is believed to be limited because of the existing policy for applying two units each for prior misdemeanor and gross misdemeanor DWIs and the existing policy for there to not be a limit of 1 misdemeanor point for felony DWI offenders; to not limit the prior misdemeanor and gross misdemeanor DWIs may unduly exaggerate the criminal history score for the felony DWI that was already enhanced to a felony because of the predicate behavior.

#### **6. Criminal History Score Overview, Part 3: Juvenile Point**

Chair Dietzen called on Senior Research Analysis Specialist Anne Wall to present.

Ms. Wall presented data showing that the average criminal history score has increased overtime from 1.5 points in 1991 to 2.5 points in 2013. Ms. Wall presented the history of the Commission's juvenile policy highlighting growth over time, policy changes, and percentage of offenders with a juvenile point by race and ethnicity.

The Commission asked questions and discussed the issue. Chair Dietzen asked the staff to provide raw data for some of the information presented.

## **7. Report from the National Association of Sentencing Commissions (NASC) Conference**

Chair Dietzen called on Executive Director Reitz to give a report on the NASC conference. Executive Director Reitz reviewed his notes and made observations about the following NASC presentations: collaborative approaches to reversing the school-to-prison pipeline; evidence-based short-term interventions for low level offenses; public attitudes toward criminal history enhancements; and recidivism among federal offenders. Executive Director Reitz indicated that several of the presentations were available on the NASC website at [thenasc.org](http://thenasc.org).

In the context of discussing evidence-based short-term interventions for low level offenses, Commissioner of Corrections Roy offered a presentation on risk assessments from Dr. Grant Duwe, MND OC's Director of Research and Evaluation.

## **8. Executive Director's Report**

Chair Dietzen called on Executive Director Reitz who reported on the following items:

1) The Sentencing Guidelines and Commentary, Revised August 1, 2016; 2) 2016 training materials that have been published on the website and YouTube; 3) Chair Dietzen's and Judge Wernick's upcoming presentations at the Judicial Conference; 4) A request for the Commission to review the severity-level ranking of child neglect; 5) A request for the Commission to consider Guidelines commentary that would address a defendant's status as a parent as a reason for dispositional departure; and 6) An update on Robina Institute's recidivism study.

Chair Dietzen asked the staff to put the following items on a future meeting agenda: 1) Review of child neglect; and 2) The Robina Institute's recidivism study.

## **8. Public Input**

Chair Dietzen called on members of the public present and asked if anyone wished to speak. No one came forward.

## **9. Adjournment**

**Motion** to adjourn by Judge Wernick and second by Judge Lennon.

**Motion carried** unanimously.

The meeting was adjourned at 4:08 p.m.